



Docket No. 1539.1004rec

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tomowaki Takahashi

Serial No. 10/734,133

Group Art Unit: NOT ASSIGNED

Confirmation No.

Filed: December 15, 2003

Examiner: NOT ASSIGNED

For: CATADIOPTRIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSURE
APPARATUS HAVING THE SAME

PETITION TO THE COMMISSIONER

Mail Stop Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On April 7, 2004, a Notice of Incomplete Nonprovisional Application was mailed by the U.S. Patent & Trademark Office for the above-identified application, a copy of which is enclosed. In the Notice, it was asserted that a filing date of December 15, 2003 was not accorded to the above-identified application since a complete specification was not provided. A copy of the Notice is enclosed.

However, as indicated in the enclosed date stamped Postcard, the Office of Initial Patent Examination received a Continuing Application Transmittal, a Fee Transmittal Form, a specification of 13 pages including Specification, Claims, and Abstract, FIGs. 1-15, 16A, 16B, and 16C through 28, a Preliminary Amendment (26 pages), a copy of an executed Consent of the Assignee, a copy of an executed Reissue Application Declaration, and an Information Disclosure Statement. A copy of all filed papers is enclosed for your reference. Additionally, please also find enclosed a copy of the check referenced in the postcard and which was cashed.

Moreover, the undersigned declares that the undersigned executed and filed the documents indicated on the enclosed date stamped Postcard. As also indicated in the enclosed Declaration executed by Mr. Victor Del Rio, the Manager of the undersigned's law firm's docketing department, the same documents indicated on the enclosed date stamped Postcard were provided by the law firm's docketing department to this law firm's daily and regular courier to be filed at the United States Patent and Trademark Office. A contemporaneous record of filing enclosed with the Declaration executed by Mr. Victor Del Rio indicates that these same

items were provided to this firm's daily courier to be filed at the United States Patent and Trademark Office. Moreover, as set forth in the enclosed Declaration executed by Mr. Kevin Ford, who acted as a courier on December 15, 2003, all papers provided to the courier were filed at the United States Patent and Trademark Office and no extra un-filed papers were found which correspond to the documents set forth in the enclosed Postcard date stamped by the United States Patent and Trademark Office's Office of Initial Patent Examination receiving office.

In the enclosed Postcard including the serial number, there is an indication that, while at least the specification, claims, abstract, and drawings were later found to be no longer be accessible with the filed application, at least some portion of the filed documents were accessible. The presence of the cashed cheque for \$4,720.00 further indicates that the papers were properly presented on December 15, 2003.

As such, it is respectfully submitted that the applicant has shown the specification compliant with 35 U.S.C. §112 was filed at the United States Patent and Trademark Office on December 15, 2003, and that the filing date of December 15, 2003 should be accorded the instant application.

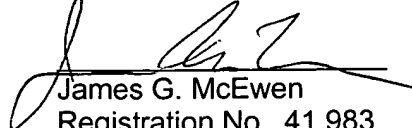
Alternately, as the Postcard appears to show at least receipt of a Continuing Application Transmittal, since item 8 of the Continuing Application Transmittal incorporated U.S. Patent application No. 09/766,486 by reference, the specification, abstract, drawings, and claims were, technically, filed at least through this incorporation by reference.

Lastly, enclosed is the petition fee of \$130.00 set forth in 37 C.F.R. §1.17(h). Should the Office agree to accord the instant application the April 28, 2003 filing date, a request for a refund of the petition fee is respectfully requested as set forth in the enclosed Notice. If any further fees are required in connection with the filing of this Petition, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,

STAAS & HALSEYLLP


James G. McEwen
Registration No. 41,983

1201 New York Avenue, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500

Date: APRIL 14, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tomowaki Takahashi

Serial No. 10/734,133

Group Art Unit: NOT ASSIGNED

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Examiner: NOT ASSIGNED

For: CATADIOPTIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSURE
APPARATUS HAVING THE SAME

Declaration In Support of Petition

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Victor Del Rio, declare as follows:

1. I am an employee of Staas & Halsey, LLP, and am in charge of maintaining and updating our docketing records.
2. Among other responsibilities, I review papers to be filed and present the same to our regular and daily courier for filing at the United States Patent and Trademark Office.
3. Prior to presenting papers to be filed, a review of the papers is performed to determine whether the documents listed on the Postcard correspond to the documents being filed. As contemporaneous evidence of this review, our docketing system is updated to reflect what papers are being filed using our daily courier.
4. On December 15, 2003, I received an application to be filed from one of our law firm attorneys, James G. McEwen. This application included a Continuation Application Transmittal form; Fee Transmittal Form; Specification, drawings, Preliminary Amendment; Consent of Assignee; Reissue Application Declaration; Information Disclosure Statement; PTO Form 1449; Attachment 1(f); Attachment 1 (g); and Cheque for \$4720.00 consistent with the Postcard. A print out of our docketing system confirming that these items were presented to our daily courier for filing is enclosed.

5. On December 15, 2003, we provided our daily courier with the application for filing on December 15, 2003. We subsequently received a Postcard that was date stamped by the Office of Initial Patent Examination evidencing receipt of the application, and did not receive an indication from our courier that some of the documents were not filed.

The Declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

By: 
Victor Del Rio

Date: 4/13/04

04/13/2004

Patent Information Print



Docket No 1539.1004REC
 Country United States
 Case Type Regular
 Relation Type Continuation
 Filing Type National
 Filing Number
 Billing Attorney
 Original Atty
 Client\Division
 Assignee No.1
 Assignee No.2
 Client Refer. No.
 Status Filed
 Prio Filing Dt 08/23/1994
 Sub Stat
 Sub Stat Dt
 Priority Country United States
 Parent Filing Dt 01/19/2001
 Prior Appln No. 09/766,486 6106
 Prio Issued Dt
 Total Claims
 Ind. Claims 9
 Serial # 10/734,133
 Filing Date 12/15/2003
 Patent No
 Issued Dt
 Publication #
 Publication Dt
 Entity Status
 Expiration Dt

Conv Type
 Tax Base Dt
 Pat Proofing
 Next Tax Dt
 Foreign Agent
 Assignee No.3
 Assignee No.4
 Assignee No.5
 Techncl Editor
 Client Ref No
 Add Prio Appln No 198350/1994
 Add Prio Fil Dt 08/23/1994
 Add Pri App No 5,861,997
 Add Prio Fil Dtl 01/19/1999
 Assig 1 Reel/Frame
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 Record Date 2
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 Create Dt 12/08/2003
 Update Dt 04/12/2004
 Update Tm 0827
 Update User JDB
 Update Type

Actions

Action	Not Crrctd App Pprs Mail Dat	Comp Dt	04/09/2004
Act Due Date	04/07/2004	Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action	Corrected Papers Due	Comp Dt
Act Due Date	06/07/2004	Patent Proofer
DeadLn Dt	06/07/2004	Last Resp Atty

Act Notes
 A NEWLY EXECUTED OATH OR DECLARATION

Action		Comp Dt
Act Due Date		Patent Proofer
DeadLn Dt		Last Resp Atty

Action		Comp Dt
Act Due Date		Patent Proofer
DeadLn Dt		Last Resp Atty

Action	Application Filed	Comp Dt	12/15/2003
Act Due Date		Patent Proofer	
DeadLn Dt		Last Resp Atty	

Act Notes
 (28) CONT. APPLN TRANS FEE TRANSMITTAL SPEC, DWGS, PRELIM
 AMEND CONSENT OF
 ASSIGNEE REISSUE APPLN DECLAR IDS, PTO-1449 ATTAC
 H 1(f) & (g) CK \$4720.00

Inventors

Inv Name	TOMOWAKI TAKAHASHI
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Related Id

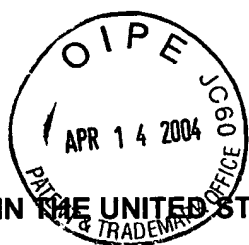
System	Patent	RL Type
Docket No	1539.1004RE	Filing Type
Ctry	US	Filing No
CS Type		Remarks

System	Patent	RL Type
Docket No	1539.1004REC	Filing Type
Ctry	US	Filing No
CS Type		Remarks

C

Title

Title . . .
CATADIOPTRIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSUR
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THE SAME



Docket No. 1539.1004rec

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tomowaki Takahashi

Serial No. 10/734,133

Group Art Unit: NOT ASSIGNED

Confirmation No.

Filed: December 15, 2003

Examiner: NOT ASSIGNED

For: CATADIOPTRIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSURE
APPARATUS HAVING THE SAME

Declaration In Support of Petition

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Kevin Ford, declare as follows:

1. I am a courier who received the instant application for filing from Victor Del Rio, an employee of Staas & Halsey, LLP, on December 15, 2003.
2. In accordance with instructions from Mr. Del Rio, I filed all papers and documents provided to me for filing at the United States Patent and Trademark Office on December 15, 2003.
3. For each paper filed having a Postcard such as that for the instant application, I returned a date stamped Postcard. The Postcard for each paper is date stamped by a receiving office at the United States Patent and Trademark Office. For the instant application, the receiving office was the Office of Initial Patent Examination as evidenced by the date-stamped Postcard.
4. I have not subsequently discovered any documents relevant to the instant application which should have been filed on December 15, 2003, but which were not filed for any reason

Serial No. 10/734,133

Docket No. 1539.1004rec

The Declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

By: Kevin Ford
Kevin Ford

Date: 4-13-04



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/734,133	12/15/2003	Tomowaki Takahashi	1539.1004REC

21171
 STAAS & HALSEY LLP
 SUITE 700
 1201 NEW YORK AVENUE, N.W.
 WASHINGTON, DC 20005



CONFIRMATION NO. 9194

FORMALITIES LETTER



OC000000012301050

Date Mailed: 04/07/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
- The specification does not include at least one claim.
A complete specification as prescribed by 35 U.S.C. 112 is required.
- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

T. Kotselg

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please Date Stamp and return

Continuation Application Transmittal form; Fee Transmittal Form; Specification (13 pgs), drawings (FIGs. 1 - 15, 16A, 16B, and 16C- 28), Preliminary Amendment (26 pages); Consent of Assignee (2 pages); Reissue Application Declaration (4 pages); information Disclosure Statement; PTO Form 1449 (4 pages); Attachment 1(f); Attachment 1 (g); Cheque for \$4720.00

APPLICANT(S): Tomowaki Takahashi

SERIAL NO: NOT ASSIGNED

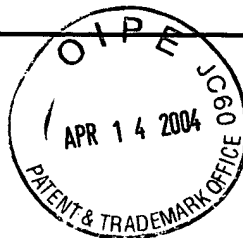
CONFIRMATION NO. NOT ASSIGNED

TITLE: CATADIOPTIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSURE APPARATUS HAVING THE SAME

FILING DATE: December 15, 2003

DOCKET NO: 1539.1004REC/JGM:lep

DUE DATE: NOT ASSIGNED





S&H Form: PTO/SB/05 (2/02)

**CONTINUING
(1.53(b)) UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for continuing applications under 37 CFR 1.53(b))

Attorney Docket No.
1539.1004RECFirst Named Inventor:
Tomowaki TakahashiTitle: CATADIOPTRIC REDUCTION PROJECTION OPTICAL
SYSTEM AND EXPOSURE APPARATUS HAVING THE
SAME

Express Mail Label No.

**APPLICATION
ELEMENTS**See MPEP chapter 600
concerning utility
patent application contents.**ADDRESS TO:****Commissioner for Patents
Box Patent Application
PO Box 1450
Alexandria, VA 22313-1450**

1. ☒ Fee Transmittal Form
2. ☒ Specification, Claims & Abstract..... [Total Pages: 13]
3. ☒ Drawing(s) (35 USC 113)..... [Total Sheets: 13] [FIGS. 1 - 15, 16A, 16B, and 16C- 28]
4. ☒ Oath or Declaration..... [Total Pages: 4]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
5. ☒ Consent of Assignee [Total Pages: 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application
6. ☐ This application is filed by fewer than all the inventors named in the prior nonprovisional application.
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
7. ☐ Verified Statement Claiming Small Entity Status
8. ☒ Incorporation by Reference (usable if Box 4b is checked)
The entire disclosure of the prior application (identified in Item 21), from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
9. ☒ Applicant claims foreign priority benefit to: Japanese Application 06-198350 filed August 23, 1994
10. ☐ Application Data Sheet. See 37 C.F.R. 1.76
11. ☐ CD-Rom or CD-R in duplicate, large table or Computer Program (Appendix)
12. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statement verifying identity of above copies
13. ☒ Assignment to Nikon Corporation of Tokyo, Japan at Reel 7623, Frame 592
☒ for publication of assignee information under 37 CFR 1.215(b)

ACCOMPANYING APPLICATION PARTS

14. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
15. ☐ English Translation Document (if applicable)
16. ☒ Foreign priority benefit under 35 U.S.C. §119 is claimed.
 - a. ☒ Certified Copy of Priority Document(s) filed in prior application No. 08/515,631.
 - b. ☐ Certified Copy of Priority Document(s) enclosed.
 - c. ☐ Certified Copy of Priority Document(s) to follow.
17. ☒ Original Patent Surrendered In parent application
18. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
19. ☒ Preliminary Amendment
 - a. ☒ enclosed herewith.
 - b. ☐ incorporated herein (see Box 21).
20. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

**21. CONTINUING APPLICATION**, check appropriate box and supply the requisite information below:

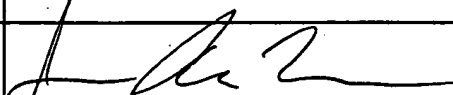
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/766,486.

Prior application information: Examiner: S. Sugarman
Group/Art Unit: 2873

22. NEW CORRESPONDENCE ADDRESS CUSTOMER NO. 21,171

21171

23. SIGNATURE OF ATTORNEY OR AGENT

NAME	James G. McEwen	REGISTRATION NO.	41,983
SIGNATURE		DATE	December 15, 2003



S&H Form (10/03)

NEW APPLICATION FEE TRANSMITTAL		Attorney Docket No.	1539.1004REC		
		Application Number	NOT ASSIGNED		
		Filing Date	December 15, 2003		
AMOUNT ENCLOSED	\$ 4720.00	First Named Inventor	Tomowaki Takahashi		
FEE CALCULATION (fees effective 10/01/01)					
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	120 - 20 =	100	X \$ 18.00 =	\$ 1800.00
	INDEPENDENT CLAIMS	28 - 3 =	25	X \$ 86.00 =	2150.00
	MULTIPLE DEPENDENT CLAIMS (any number; if applicable)			+ \$290.00 =	
	BASIC FILING FEE				770.00
	Total of above Calculations =				\$ 4720.00
Surcharge for late filing fee, Oath or Declaration (37 CFR 1.53(f)) (\$130.00)					
Reduction by 50% for filing by small entity (37 CFR 1.27).					
TOTAL FILING FEE =					\$ 4720.00
Surcharge for filing non-English language application (\$130.00; 37 CFR 1.52(d))					
Recordation of Assignment (\$40.00; 37 CFR 1.21(h))					
TOTAL FEES DUE =					\$ 4720.00
METHOD OF PAYMENT					
<input checked="" type="checkbox"/> Check enclosed as payment.					
<input type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below.					
<input type="checkbox"/> No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).					
GENERAL AUTHORIZATION					
<input checked="" type="checkbox"/> If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:					
Deposit Account No.		19-3935			
Deposit Account Name		STAAS & HALSEY LLP			
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
SUBMITTED BY: STAAS & HALSEY LLP					
Typed Name	James G. McEwen			Reg. No.	41,983
Signature				Date	December 15, 2003